

### REMARKS

Claims 1-16 are pending. Claims 1, 5, 9 and 13, the independent claims, have been amended. Favorable reconsideration is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Publication No. 2005/78659 (Smith et al.). Claims 9-16 were rejected under 35 U.S.C. § 103 over Smith et al. in view of U.S. Patent 6,970,614 (Tsushima et al.). Applicant traverses and submits that the independent claims are patentable over the cited art for at least the following reasons.

Amended independent claim 1 is directed to an optical network which is formed by a plurality of optical network transmission apparatuses and a plurality of transmission lines that connect the optical network transmission apparatuses. Each optical network transmission apparatus includes advertisement means for autonomously advertising a usable wavelength in a transmission line connected to the apparatus, and collection means for autonomously collecting a usable wavelength in a transmission line that is advertised by another apparatus. The plurality of optical network transmission apparatuses cooperate together to form a usable path determined from shared information that has been advertised and/or collected by the optical network transmission apparatuses of the network.

As is even more clearly recited in amended independent claim 1, in calculating a path, the shared information that has been advertised and/or collected by the various nodes of the network are used to create a path, preventing any failure on the selected path.

Smith et al. creates a path by a source node sending out a request message R, which has a label list that is sent to the first cross-connect. The first cross-connect: (a) compares the label list sent by the source node with a label availability table associated with the first cross-connect; and then (b) compares its label availability table to the label list from the source node to create an intersection set. See paragraph [0032]. The intersection set that has been thus obtained is then inserted into the request message R as a reduced label list and the request message R is then forwarded to the second cross-connect. These steps are repeated until either the message reaches

the source node, or until the label list is reduced to zero (i.e., becomes empty). If the label list in the message is found to be empty, a request rejection message is sent back to the source indicating a failure, i.e., no wavelengths are available for an end-to-end path.

In contrast to Smith's system, in which attempts to create paths may fail, in the claimed technique, the source node knows beforehand, based on information it has received by the collection means, that the path it chooses will not fail. In particular, as recited even more clearly in amended claim 1, a usable path is determined from the shared information that has been advertised/collected by the nodes of the system. Because each node knows the capabilities of the other nodes, no path failure will occur based on apparatus limitations.

In view of the foregoing, it is believed clear that amended independent claim 1 is patentable over the Smith reference. The other amended independent claims also recite substantially similar features and are believed patentable for substantially similar reasons. Tsushima et al. does not remedy the above-mentioned deficiencies of Smith as a reference against the independent claims.

This amendment is believed clearly to place this case in condition for allowance and its entry is believed proper under 37 C.F.R. § 1.116.

The dependent claims are believed patentable for at least the same reasons as their respective base claims.

In view of the above amendments and remarks, applicant believes the pending application is in condition for allowance.

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